

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4465 OF 2018

(Delay Condonation)

IN

FIRST APPEAL (ST) NO. 18332 OF 2018

Dnyaneshwar Shivaji Kene ...Applicant

Versus

Lokendra Garg (HUF) & anr. ...Respondents

Ms. Jeeni Antony, I/b Mr. Raghujit Singh, for the Applicant.
Ms. Poonam Mital, for Respondent no.2.

CORAM: N. J. JAMADAR, J.

DATED: 12th March, 2019

PC:-

1. Heard, Ms. Antony, the learned Counsel for the Applicant and Ms. Mital, the learned Counsel for the Respondents.

2. This is an application for condonation of delay of one day in filing appeal against the award passed by the learned Member, Motor Accident Claims Tribunal, Thane, on 24th January, 2018, in MACP No. 0100260 of 2015.

3. The reason assigned for the delay is inadvertent miscalculation in computation of the period of limitation for filing the appeal.

4. Respondent no.1 has already been served by RPAD and the Applicant has filed an Affidavit of service.

5. Ms. Mital, the learned Counsel waives notice for Respondent no.2 – Insurer.

6. Heard, Ms. Mital the learned Counsel for Respondent no.2 - Insurer.

7. The delay is only of one day. The reason assigned for the delay appears to be justifiable. Even otherwise, the Court is expected to lean in favour of condonation of delay so as to advance cause of substantial justice.

Hence, the following order:

- (i) The Application stands allowed in terms of prayer Clause (J).
- (ii) The delay in filing the appeal stands condoned.
- (iii) The appeal be registered.

[N. J. JAMADAR, J.]